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d/b/a Fullmer Cattle Company and Affiliated Debtors***

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

|                            |   |                                   |
|----------------------------|---|-----------------------------------|
| In Re:                     | § |                                   |
| QUE JAY FULLMER AND DEBORA | § |                                   |
| JEAN FULLMER D/B/A FULLMER | § | Case No. 09-50086-11              |
| CATTLE COMPANY             | § | <b>Hearing: November 18, 2009</b> |
|                            | § | <b>@ 1:30 P.M.</b>                |
| Debtor.                    | § |                                   |

**DEBTORS' OBJECTION TO WESTERN MILLING, LLC'S  
PROOF OF CLAIM (CLAIM NO. 101-1)**

TO THE HONORABLE ROBERT L. JONES, U.S. Bankruptcy Judge:

NOW COMES, QUE JAY FULLMER AND DEBORA JEAN FULLMER d/b/a  
FULLMER CATTLE COMPANY ("Debtors") and Affiliated Debtors (collectively "Debtors"),  
as set forth below:

| <u>Affiliated Debtors</u>                       | <u>Case No.</u> |
|---|-----------------|
| Fullmer Auto Company Texas, LLC                 | 09-50087        |
| Fullmer Cattle Company Idaho, LLC               | 09-50088        |
| Fullmer Cattle Company Texas, LLC               | 09-50089        |
| Fullmer Cattle Operating Company, LLC           | 09-50090        |
| Fullmer Equipment Holding Company, LLC          | 09-50091        |
| Fullmer Feeders Company, LLC                    | 09-50092        |
| Fullmer Trucking Company, LLC                   | 09-50093        |
| Nicks Dairy Commodities, LLC                    | 09-50094        |
| Fullmer Cattle Company New Mexico, LLC          | 09-50095        |
| Fullmer Cattle Company Northern California, LLC | 09-50096        |
| Fullmer Cattle Company, LLC an Arizona, LLC     | 09-50097        |

and pursuant to 11 U.S.C. §502 and Federal Rule of Bankruptcy Procedure 3007 and file this their Objection to Western Milling, LLC's Proof of Claim (Claim No. 101-1). In support thereof, the Debtors would respectfully show the Court as follows:

**I.**  
**Introduction**

1. Que Jay Fullmer and Debora Jean Fullmer d/b/a Fullmer Cattle Company and Affiliated Debtors are the Debtors in Possession in the above-referenced bankruptcy proceeding.

2. The Debtors and the Affiliated Debtors filed for relief under Chapter 11 of the U.S. Bankruptcy Code on March 2, 2009.

3. The Debtors in conjunction with eleven additional Affiliated Debtors filed their Motion for Joint Administration on March 3, 2009. An order was entered granting the Motion for Joint Administration so that all of the cases are consolidated under the bankruptcy case of Que and Debora Fullmer (Case No. 09-50086-11).

4. In order to facilitate Debtors' timely filing of their proposed plan of reorganization and accompanying disclosure statements, on April 2, 2009, Debtors filed their *Motion to Shorten time to File Proofs of Claim and Establish Bar Date* requesting that the Court shorten the time for creditors to file proofs of claim from July 15, 2009, to June 15, 2009. [Docket # 148]. On April 3, 2009, the Court entered an Order granting the Debtors' motion and setting June 15, 2009, as the deadline for the filing of proofs of claim. [Docket #153].

**II.**  
**Objection to Claims**

5. Western Milling, LLC filed claim number 101-1 against debtors, Que Jay Fullmer and Deborah Jean Fullmer d/b/a Fullmer Cattle Company (09-50086), on June 15, 2009, in the amount of \$872,469.56. Debtors hereby object to the amount Western Milling, LLC has claimed

because it provides no substantiation for the amounts it has allocated to “contract wash” and “services,” or for Debtors’ liability for the same.

WHEREFORE, PREMISES CONSIDERED, the Debtors pray that the Court determine, after notice and hearing, the amount of Western Milling, LLC’s claim as of the date of the filing of the petition and pray for such other relief at law or equity as the Court may determine is just and right under the circumstances.

**NOTICE OF HEARING AND OPPORTUNITY FOR OBJECTION**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, FEDERAL BUILDING, 1205 TEXAS AVENUE, LUBBOCK, TEXAS 79401 BEFORE CLOSE OF BUSINESS ON NOVEMBER 9, 2009, WHICH IS AT LEAST TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN.**

**IN THE EVENT ANY OBJECTION TO THIS MOTION IS FILED A HEARING HAS BEEN SCHEDULED BY THE BANKRUPTCY COURT ON THIS MOTION FOR NOVEMBER 18, 2009 AT 1:30 P.M. IN THE U.S. BANKRUPTCY COURTROOM LOCATED AT 1205 TEXAS AVENUE, LUBBOCK, TEXAS.**

**IF NO HEARING ON SUCH MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT.**

Respectfully Submitted,  
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/s/ David R. Langston

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Ashley E. Wysocki, SBN: 24061367  
***Attorneys for Que Jay and Debora Jean Fullmer  
d/b/a Fullmer Cattle Company and Affiliated Debtors***

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was mailed by regular first class mail, postage prepaid and/or sent via ECF on this the 14<sup>th</sup> day of October, 2009 to the following listed parties in interest:

1. Nancy Resnick  
U.S. Trustee's Office  
1100 Commerce Street  
Room 9C60  
Dallas, Texas 75242
2. Mr. Max R. Tarbox  
McWhorter, Cobb and Johnson, L.L.P.  
P.O. Box 2547  
Lubbock, Texas 79408-2547
3. Que and Debora Fullmer  
1460 FM 1760  
Muleshoe, Texas 79347
4. Western Milling, LLC  
Mark La Bounty  
P.O. Box 1029  
Goshen, California 93227

/s/ David R. Langston  
David R. Langston